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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,288	12/26/2001	Adam Zadok	0119-010	8181

7590 12/22/2003

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EXAMINER

SPISICH, GEORGE D

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 12/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,288

Applicant(s)

ZADOK, ADAM

Examiner

George D. Spisich

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 9-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4&6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election of Species A in Figures 1-6 in Paper No. 9 with traverse is acknowledged. Examiner originally stated that claims 1-4 and 13-16 were generic. This is incorrect. Only claims 1-4 are generic. As Applicant has stated, claims 5-8 read on the elected species. Therefore, claims 1-8 are examined in this action.

Applicant states that Claims 13-20 are linking claims linking both species, and the species are thereby linked as combination sub-combination. A combination subcombination relation is not applicable in a species restriction. Therefore, Examiner disagrees with Applicant's argument. Furthermore, on page 3 of the restriction requirement, paper no. 5, Applicant was advised of proper traversal being "should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence not of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention".

Therefore, as stated above, claims 1-4 are generic, and claims 5-8 drawn to the elected Species A are examined. Claims 9-12 drawn to the Species B and Claims 13-

20 drawn to the combination of Species A and Species B have been withdrawn from consideration.

Information Disclosure Statement

The information disclosure statement filed February 6, 2003 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

The references are: DE 807,755, BE 753,401, EP 1070609, EP 0378028, FR 2474967, DE 19704498 and DE 1201698.

Specification

The disclosure is objected to because of the following informalities:

On page 6, line 6, "tow·able" should be - - towable - -.

On page 6, line 13, "a an arm" should be - - an arm - -.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 3 is unclear. "each a pair of laterally spaced wheels".

Claim 1 recites the limitation "each of the axles assemblies" in line 4. There is insufficient antecedent basis for this limitation in the claim. This lack of antecedent issue is also present in at least Claims 3, 5 and 8. Examiner is interpreting the axle assembly of claim 1 to read on the rigid rear axle that has an axles subassembly on each end of the rigid axle.

Claim 5 recites the limitation "second link" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by GB 1,122,515 provided in Applicant's IDS.

GB '515 (as shown in Figure 1) discloses an anti-roll suspension for a vehicle chassis having at least two laterally spaced wheels (10), comprising an axle assembly (11, 11) for rotatably mounting each a pair of laterally spaced wheels, a spring assembly (13) supporting the chassis on each of the axle assemblies, a movable arm (14) connected between the spring and the chassis, and an anti roll linkage (17, 19) connected to the chassis and structured to translate lateral movement of the chassis to vertical movement of the moveable arm to the spring on the down force side of the chassis so that the anti roll linkage simultaneously lifts the down force side of the chassis and lowers the up force side of the vehicle.

Allowable Subject Matter

Claims 2-8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Prior Art does not show a bell crank as the movable member between the spring and the chassis of the anti roll vehicle suspension.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zadok (USPUB 2003/0184037), Zadok (USPUB 2003/0122336), Orton (USPN 5,324,056), Blaine (USPN 4,159,128), Marot (USPN 3,137,513), Scaduto (USPN 4,854,603), Hurley (USPN 2,279,120), Lindorfer et al. (USPN 5,000,476), Parsons, Jr. (USPN 4,373,743), Parsons (USPN 5,074,582), Corbin (USPN 3,604,724), Tuczec (USPN 3,086,786), Leighton (USPN 2,555,141), JP6-255336, JP5-169944, GB 2 328 190.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (703) 305-6495. The examiner can normally be reached on Monday to Friday 6:00-3:30 except alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-1113.

Gds
December 14, 2003


PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
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12/15/03